

# EXHIBIT P

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

NORTHERN DIVISION

-----X  
EQUAL EMPLOYMENT : CIVIL ACTION  
OPPORTUNITY :  
COMMISSION, : NO. S02-CV-648  
Plaintiff, :  
 :  
KATHY KOCH, :  
Intervenor/ :  
Plaintiff, :  
 :  
v. :  
 :  
LA WEIGHT LOSS, :  
Defendant(s). :  
-----X

Tuesday, November 22, 2005

Oral deposition of NICOLA  
FRYER, held at the offices of EEOC,  
Bourse Building, 21 South 5th Street,  
Philadelphia, Pennsylvania, on Tuesday,  
November 22, 2005, beginning at 9:00  
a.m., on the above date, before Debra J.  
Weaver, a Federally Approved RPR, CRR,  
CSR of NJ (No. XI 01614) and Delaware  
(No. 138-RPR, Expiration 1/31/08), and a  
Notary Public of New Jersey, Pennsylvania  
and Delaware.

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## NICOLA FRYER

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1 have helped out with recruiting.  
 2 Q. Even though she was in the  
 3 training department?  
 4 A. Sure.  
 5 Q. Do you know of any other  
 6 people in the training department who  
 7 conducted hiring during your tenure at LA  
 8 Weight Loss?  
 9 A. Specifically, no, but it  
 10 does happen.  
 11 Q. Is that considered a part of  
 12 the trainer's job?  
 13 MR. WETCHLER: Object to the  
 14 form. Object to lack of  
 15 foundation. You can answer.  
 16 BY MR. PHILLIPS:  
 17 Q. As a part of your job as a  
 18 human resources manager, are you required  
 19 to know what the job duties of a trainer  
 20 are?  
 21 A. I'm familiar.  
 22 Q. And specifically with  
 23 respect to any job duties with respect to  
 24 recruiting or hiring, are you required in

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1 your job to know what their duties would  
 2 be in those areas, recruiting and hiring?  
 3 MR. WETCHLER: Object to the  
 4 form. You can answer.  
 5 THE WITNESS: They don't  
 6 have necessary -- to my  
 7 recollection, they don't have  
 8 specific responsibilities listed  
 9 in their job description with  
 10 regard to that, but, again, they  
 11 are trained on it. They provide  
 12 training to all of our employees  
 13 as they come in the door. They're  
 14 very familiar with what we're  
 15 looking for, what the job is.  
 16 And, they, again, do sometimes  
 17 help out in the event -- it's not  
 18 their primary responsibility, but  
 19 they do help out in the event that  
 20 a circumstance comes up that we  
 21 need help.  
 22 BY MR. PHILLIPS:  
 23 Q. With respect to what  
 24 functions? Help with respect to what?

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1 A. Most recently, you know, if  
 2 an area supervisor has to go somewhere,  
 3 for coverage, calls out sick, they may  
 4 conduct interviews.  
 5 Q. Have center managers ever  
 6 conducted hiring at LA Weight Loss?  
 7 MR. WETCHLER: Object to the  
 8 form. Object to lack of  
 9 foundation. You can answer the  
 10 question.  
 11 MR. PHILLIPS: Let me go  
 12 back.  
 13 BY MR. PHILLIPS:  
 14 Q. As a human resource manager,  
 15 is it part of your job duties to know who  
 16 at LA Weight Loss is participating in the  
 17 hiring process? Is that part of your job  
 18 to know that?  
 19 MR. WETCHLER: Object to the  
 20 form. You can answer.  
 21 MR. PHILLIPS: You can  
 22 answer.  
 23 THE WITNESS: I am familiar,  
 24 yes.

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1 BY MR. PHILLIPS:  
 2 Q. And, again, I'll return to  
 3 my question. During your tenure at LA  
 4 Weight Loss, have you known of center  
 5 managers participating in the hiring  
 6 process in any way?  
 7 MR. WETCHLER: Object to  
 8 form. Object to lack of  
 9 foundation. You can answer.  
 10 MR. PHILLIPS: Go ahead.  
 11 THE WITNESS: There have  
 12 been discussions with regard to  
 13 having them be a part of it. And,  
 14 again, occasionally they will  
 15 conduct an interview here or there  
 16 in lieu of an area supervisor or  
 17 regional manager being available  
 18 or an emergency coming up. But,  
 19 typically, I don't recall that we  
 20 ever implemented a manager  
 21 recruiting program.  
 22 BY MR. PHILLIPS:  
 23 Q. Did managers ever receive  
 24 training on hiring?

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